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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/904,317	07/12/2001	Tadahiro Ohata	450100-03327	1817
20999	7590	03/23/2005	EXAMINER	
FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151			NGUYEN, MADELEINE ANH VINH	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/904,317	OHATA ET AL.	
	Examiner	Art Unit	
	Madeleine AV Nguyen	2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/27/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Tipirneni (US Publication No. US 2002/0109859).

Concerning claim 10, Tipirneni discloses an image resource database (50, Fig.1) storing image data along with simplified image data (thumbnail images) thereof and/or contents-related information attached thereto, comprising a retrieval execution portion outputting said simplified image data of the image data matching a retrieval and/or data regarding a designated item among contents-related information attached to said image data (select different settings, selected medical facilities, selected patients, selected images, selected size of an image), when responding to an on-demand image delivery server in relation to a retrieval result (paragraphs 29, 32, 33, 40-45).

Concerning claim 11, Tipirneni discloses a client terminal (150, Fig.1) receiving from an on-demand image delivery server (110, Fig.1) and displaying on a screen, information on image data matching a retrieval condition, said client terminal comprising a retrieval result display function portion (Figs.6, 7) outputting simplified image data of the image data matching the

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retrieval condition and/or data regarding a designated item among contents-related information attaché to said image data which are notified from the on-demand image delivery server (Figs. 8-10; Abstract; image data to be delivered (Figs. 8-10; Abstract; paragraphs 29, 32, 33, 40-45).

Concerning claim 12, Tiperneni discloses a server system (Fig.1) having an on-demand image delivery server (110) and an image resource database (50) wherein

- said server (110) having one or a plurality of retrieval items as a retrieval condition inputted from the client terminal (Fig.7) comprising a retrieval function portion (Fig.7) retrieving an image resource database (50, Fig.1); a retrieval result displaying function portion (Figs.6-7) displaying a view of simplified image data of image data (thumbnail image) matching a retrieval condition and/or data regarding a designated time among contents-related information attached to said of image data, on a screen of the client terminal (Figs. 8-10; Abstract; paragraphs 23, 27-29, 32-35, 38-41, 44-45).

- said image resource database (50, Fig.1) storing image data along with simplified image data (thumbnail images) thereof and/or contents-related information attached thereto, comprising a retrieval execution portion outputting said simplified image data of the image data matching a retrieval and/or data regarding a designated item among contents-related information attached to said image data (select different settings, selected medical facilities, selected patients, selected images, selected size of an image), when responding to an on-demand image delivery server in relation to a retrieval result (paragraphs 29, 32, 33, 40-45).

Concerning claim 13, Tiperneni discloses a server system (Fig.1) having an on-demand image delivery server (110), and an image resource database (50), and a client terminal, wherein

- said server (110) having one or a plurality of retrieval items as a retrieval condition inputted from the client terminal (Fig.7) comprising a retrieval function portion (Fig.7) retrieving an image resource database (50, Fig.1); a retrieval result displaying function portion (Figs.6-7) displaying a view of simplified image data of image data (thumbnail image) matching a retrieval condition and/or data regarding a designated time among contents-related information attached to said of image data, on a screen of the client terminal (Figs. 8-10; Abstract; paragraphs 23, 27-29, 32-35, 38-41, 44-45).

- said image resource database (50, Fig.1) storing image data along with simplified image data (thumbnail images) thereof and/or contents-related information attached thereto, comprising a retrieval execution portion outputting said simplified image data of the image data matching a retrieval and/or data regarding a designated item among contents-related information attached to said image data (select different settings, selected medical facilities, selected patients, selected images, selected size of an image), when responding to an on-demand image delivery server in relation to a retrieval result (paragraphs 29, 32, 33, 40-45).

Concerning claims 14-16, Tiperneni discloses a retrieval result displaying method related to an on-demand image delivery system (Fig.1), displaying a view of simplified image data of said image data matching a retrieval condition and/or data regarding an item set by an image resource database, or an item set by an on-demand image delivery server, or an item set by said client terminal among contents-related information attached to said image data, on a screen of a client terminal (Figs5-7; paragraphs 29, 32, 33, 40-45).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tipirneni (US Publication No. US 2002/0109859).

Concerning claim 1, Tipirneni discloses an on-demand image delivery server (110, Fig.1) delivering image data based on a request from a client terminal (150, Fig.1), said server (110) having one or a plurality of retrieval items as a retrieval condition inputted from the client terminal (Fig.7) comprising a retrieval function portion (Fig.7) retrieving an image resource database (50, Fig.1); a retrieval result displaying function portion (Figs.6-7) displaying a view of simplified image data of image data (thumbnail image) matching a retrieval condition and/or data regarding a designated time among contents-related information attached to said of image data, on a screen of the client terminal (Figs. 8-10; Abstract; paragraphs 23, 27-29, 32-35, 38-41, 44-45).

Tipirneni does not directly teach that the displaying of a view of simplified image data of image data on the screen of the client terminal for confirmation of contents of image data to be delivered. However, Tipirneni teaches that “after receiving the populated HTML web page, physician computer 150 displays the HTML web page for the selected medical facility on display 154. The physician then views all of the patient folder 60 names which are available and selects a particular patient name from which the physician can view the selected patient’s images (step

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370). A data packet containing the patient selection is suitably transmitted to host server 110. After receiving the patient selection data packet, host server 110 suitably transmits the patient selection information ...” (paragraph 44). Thus, before receiving the selected images from the host server 110, the client at the physician computer 150 can view the selected images. It would have been obvious to one skilled in the art at the time the invention was made to consider the displaying of a simplified image data on a screen of the client terminal is for confirmation of contents of image data to be delivered since the fact that the client at the physician computer can view the selected images from the host before the host transmits the complete package of the selected images to the client is also for confirmation of contents of image data to be delivered.

Concerning claims 2-4, 6-7, 9, Tipirneni further teaches that the retrieval result displaying function portion determines the designated item based on a setting of an image resource database (50), or a setting of a device, or a setting of the client terminal (setting of the display in Fig.6); the image data can be delivered to a client terminal distinct from a client terminal issuing a retrieval request (using the identification and password); the retrieval item inputted from the client terminal includes position (location) information and/or time information (data and time), (Fig.6); the contents related information of each image data is displayed according to a table form matching items subject to display (Figs.6-7).

5. Claims 5, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tipirneni as applied to claim 1 above, and further in view of Endo (US Patent No. 6,801,340).

Concerning claims 5 and 8, Tipirneni fails to teach that the contents-related information includes GPS information wherein a mapping using the GPS information is displayed on a screen

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of the client terminal. Endo teaches a data communication system for document transmission and reception wherein the document data can be reliably delivered to the receiver wherein information from a device which automatically detects the place of an apparatus such as GPS (Global Positioning System) is obtained, and the latitude and longitude are used as the place information (col. 15, lines 39-47). It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of using GPS for mapping a corresponding position on a map taught in Endo to the system in Tiperneni since both of them teach a transmission, retrieval of document or images in a communication system having a transmitter, receiver, server, database with contents-related information of the position.

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tipirneni in view of Engelmann et al (US Patent No. 5,987,345).

Concerning claim 17, Tipirneni discloses a retrieval result displaying method related to an on-demand image delivery system (Fig.1), displaying on a screen of a client terminal, simplified image data of said image data matching a retrieval condition and/or data regarding an item set by an image resource database, or an item set by an on-demand image delivery server, or an item set by said client terminal among contents-related information attached to said image data, on a screen of a client terminal.

Tipirneni fails to teach that the displaying is according to matrix form corresponding to items to be displayed. Engelmann et al discloses method and system for retrieving and displaying medical images wherein the images are displayed in a matrix form (Figs.14, 20; col. 3, lines 36-47; col. 9, line 62 – col. 10, line 3). It would have been obvious to one skilled in the

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art at the time the invention was made to combine the teaching of the images displaying on a screen in a matrix form as taught in Engelmann to the displaying screen in Tipirneni since both of them teach a retrieval and display system connected to network server/computer for retrieving images.

7. Claim 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tipirneni in view of Endo (US Patent No. 6,801,340).

Concerning claim 18, Tipirneni discloses a retrieval result displaying method related to an on-demand image delivery system, displaying on a screen of a client terminal, a mapping form screen obtained by mapping simplified image data of image data matching a retrieval condition.

Tipirneni fails to teach that the mapping uses GPS information attached to the image data. Endo teaches a data communication system for document transmission and reception wherein the document data can be reliably delivered to the receiver wherein information from a device which automatically detects the place of an apparatus such as GPS (Global Positioning System) is obtained, and the latitude and longitude are used as the place information (col. 15, lines 39-47).

It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of using GPS for mapping a corresponding position on a map taught in Endo to the system in Tipirneni since both of them teach a transmission, retrieval of document or images in a communication system having a transmitter, receiver, server, database with contents-related information of the position.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Watanabe et al (US Patent No. 6,762,860) discloses a network photograph service system for viewing and retrieving images through a network system.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 703 305-4860. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on 703 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen
Primary Examiner
Art Unit 2626

March 17, 2005